

NOTICE OF AVAILABILITY

April 12, 2007

The City of Kirkland has issued an addendum to the Draft and Final Environmental Impact Statements for the 2004 Kirkland Comprehensive Plan. The Draft and Final EIS's were issued on July 1, 2004 and October 15, 2004 respectively. **The subject of the EIS addendum are the Small Lot Single Family and Historic Residence Preservation regulations, which implement adopted Norkirk and Market Neighborhood Plans policies pursuant to Chapters 135 and 160 KZC and KMC 22.04.050 - Process IV.** File No. MIS06-00053.

The Draft Small Lot Single-Family regulations encourage housing diversity by creating or retaining some small homes so that there is more housing choice in the Market and Norkirk Neighborhoods in Kirkland. The draft regulations allow smaller lots when subdividing than would otherwise be permitted, if either both or only smaller lots contain a reduced sized home.

The Draft Historic Residence Preservation regulations create an incentive for owners of historic houses in the Market and Norkirk Neighborhoods to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

The following steps will occur in the City of Kirkland's review of this proposal: Public Hearing conducted by the Planning Commission on April 26, 2007; Planning Commission public meeting on May 24, 2007; and decision and action by City Council on June 19, 2007. All dates are subject to change.

If you wish to receive a copy of the proposed Small Lot Single-Family and/or Historic Residence Preservation Amendments or the EIS Addendum, or have any questions, please contact Joan Lieberman-Brill, Kirkland Senior Planner at (425) 587-3254. You may also send requests for copies via e-mail, at jbrill@ci.kirkland.wa.us.

cc: File MIS06-00053

ATTACHMENT <u>6</u>
<i>P.L. public hearing April 26, 07</i>

Fact Sheet

Action Sponsor and Lead Agency

City of Kirkland
Department of Planning and
Community Development

Proposed Action

Legislative adoption of zoning and
subdivision regulations
implementing small lot single-family
and historic residence preservation
policies in the recently adopted
Norkirk and Market Neighborhood
Plans pursuant to Chapters 135, and
160 KZC (Process IV).and KMC
22.04.050.

Responsible Official

Eric R. Shields, AICP
Planning Director

Contact Person

Joan Lieberman-Brill AICP Senior
Planner, City of Kirkland (425) 587-
3254.

Required Approvals

Adoption by Kirkland City Council

Location of Background Data

File MIS06-00053
City of Kirkland
Department of Planning and
Community Development
123 Fifth Avenue
Kirkland, WA 98033

Date of Issuance

4/4/07

City of Kirkland

Small Lot Single-Family and Historic Residence Regulations Implementing Norkirk and Market Neighborhood Plan Policies - Process IV Zoning and Subdivision Amendments

EIS Addendum dated April 12, 2007

File No. MIS06-00053

I. Background

The City of Kirkland proposes to adopt regulations implementing recently adopted Market and Norkirk Neighborhood Plans policies to encourage small lot single family development and preservation of historic residences in the Market and Norkirk Neighborhoods. Amendments to the Subdivision Chapter of the Kirkland Municipal Code and to the Kirkland Zoning Code are necessary to implement the neighborhood plan policies. The amendments will be reviewed using the Chapter 160 KZC, Process IV with adoption by City Council.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Comprehensive Plan, Zoning Code, and Zoning Map amendments.

II. EIS Addendum

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c) -625, and -706.

The City published a Draft and Final EIS on its Comprehensive Plan in 2004. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

In September 2006 the City issued two Addendums to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*. One was for the updated Norkirk Neighborhood Plan Chapter of the Comprehensive Plan and related Zoning Map and

Small Lot Single Family and Historic Residence Regulations for
the Market and Norkirk Neighborhoods
EIS Addendum

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Zoning Code amendments and the other was for the updated Market Neighborhood Plan Chapter of the Kirkland Comprehensive Plan and related Zoning Map amendments. Those addendums evaluated the expected impacts associated with the updated Norkirk and Market Neighborhood Plans goals and policies and implementing regulations. Those impacts encompassed the same general policy direction, land use pattern and environmental impacts that were identified with the 10 year update.

The current addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the regulations implementing the recently adopted Norkirk and Market Neighborhood Plans goals and policies for small lot single-family and historic preservation discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the 2004 EIS, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

III. Non-Project Action

Decisions on the adoption or amendment of Comprehensive Plans and zoning and subdivision regulations are referred to in the SEPA rules as "non-project actions" (WAC 197-11-704(2) (b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. The adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-Year Update EIS*, the Norkirk Neighborhood Plan and implementing zoning regulations and rezones and the Market Neighborhood Plan and implementing rezones evaluated in the two September 7, 2006 Addendums, and eventual action on the small lot single family and historic preservation regulations are "non-project actions".

IV. Environmental Analysis

The *Comprehensive Plan EIS* (City of Kirkland, 2004) evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan's policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Norkirk and Market small lot single family and historic preservation Zoning Code and KMC Subdivision amendments are similar in magnitude to the potential impacts disclosed in the *2004 Comprehensive Plan EIS*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the

Comprehensive Plan EIS, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

Traffic Impacts

The adopted small lot single family and historic preservation policies could generate additional residential units in both the Norkirk and Market neighborhoods. The following analysis of traffic impacts was taken from the 2006 addenda, and modified to acknowledge that the minimum lot area threshold for small lot single family was revised upward to 12,200 square feet in Norkirk's RS 7.2 zones, thereby reducing the number of lots eligible for this incentive.

Norkirk Neighborhood - There are 11 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet, which could produce a net increase of 11 units if subdivided. Also in Norkirk, there are 53 lots meeting the minimum size threshold of 12,200 square feet which could be subdivided to preserve or create small homes on small lots, producing a net increase of 53 units. Together, these changes will generate 640 additional Average Daily Trips, approximately 64 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. 64 additional vehicle trips in the PM peak hour within a neighborhood planning area would present an insignificant traffic impact to the City transportation system. The addition of 64 units would have negligible impact to our concurrency LOS standards for the planning horizon of 2022.

Market Neighborhood - There are 8 properties in the RS 7.2 zone with recognized historic buildings meeting the minimum lot size threshold of 10,000 square feet; one property in the RS 8.5 zone with a recognized historic building meeting the minimum lot size threshold of 12,000 square feet; and 2 properties in the Waterfront District II (WDII) zone with recognized historic buildings meeting the minimum lot size threshold of 14,400 square feet, which could produce a net increase of 11 units if subdivided. An additional 10 lots meet the minimum size threshold of 12,200 square feet in the RS 7.2 zone and 6 lots meet the minimum size of 14,500 square feet in the RS 8.5 zone and can be subdivide to preserve or create small homes on small lots. They will potentially produce a net increase of 16 units. Together, these changes will generate 270 additional Average Daily Trips, approximately 27 (10%) of which will occur in the PM peak hour, which is within the range expected with infill of the neighborhood at current zoning. The Kirkland Public Works Department traffic analysis indicates that these additional 27 units and PM peak hour trips would present an insignificant traffic impact to the City transportation system and a negligible impact to our concurrency Level of Service standards for the planning horizon of 2022.

V. Description of the Proposed Zoning and Subdivision Amendments.

Development regulations have been prepared to implement the neighborhood plans policies that were adopted in December 2006 to encourage preservation of historic

residences and encourage creation or retention of small homes on small lots within the Market and Norkirk neighborhoods. New subdivision and zoning regulations implement these policies.

a. Historic Residence Regulations –

The proposed historic residence regulations create an incentive for owners of historic houses to retain them by allowing smaller lot sizes when subdividing a lot that contains an historic residence, if the residence is preserved.

Proposed historic residence regulations allow smaller lots than would otherwise be permitted in Norkirk's RS 7.2 or 6.3 zones in order to retain a designated historic residence, if the recognized integrity of the historic residence is preserved. Subdivision of a 10,000 square foot lot into two 5,000 square foot lots is allowed as an incentive to preserve the designated historic residence on one of the two lots. Within the Norkirk Neighborhood, up to 11 additional units could be created if land parcels of at least 10,000 square feet containing designated historic residences are subdivided, utilizing the historic preservation policy to preserve historic homes.

Similarly, in Market's RS 7.2, 8.5 and Waterfront II zones, historic residence regulations allow smaller lots than would otherwise be permitted. Regulations allow subdivision of a 10,000 square foot lot into two 5,000 square foot lots as an incentive in Market's RS 7.2 zone, while in Market's RS 8.5 zone, subdivision of a 12,000 square foot lot into two 6,000 square foot lots would be allowed as an incentive; and subdivision of a 14,400 square foot lot into two 7,200 square foot lots would be allowed in the WD II zone to preserve the designated historic residence on one of the two lots. Within the Market Neighborhood up to 16 total additional units could be created if land parcels of at least 10,000 square feet in the RS 7.2 zone, 6,000 square feet in the RS 8.5 zone, and 7,200 square feet in the WD II zone are subdivided, utilizing the historic preservation regulations to preserve historic homes.

The designation of historic residence is voluntary, and is based on criteria found in the existing KZC Section 75.20 for historic landmark overlay zone designations. Historic residence designation would be approved by a Planning Director decision. Approval could be obtained concurrently as part of a subdivision application. This decision could be appealed to the Kirkland Hearing Examiner. The King County Historic Preservation Program staff or other qualified consultants would conduct an assessment to determine eligibility for designation and make a recommendation to the Planning Director.

Requests to alter or add on to the designated historic residence would be approved by the Planning Official based upon review by King County Historic Preservation Program staff or other qualified consultants. The decisional criteria would be those used for alterations to the Historic Landmark Overlay Zone designation and the Secretary of the Interior's Standards for Rehabilitation. Decisions are appealable to the Kirkland Hearing Examiner.

Demolitions, relocations, or alterations inconsistent with the criteria for alteration of the designated historic residence will result in loss of the designation and reduction of the Floor Area Ratio (FAR) on the subject property. The replacement FAR is still undecided but will likely end up in the range of .2 to .4 in order to deter a person from taking the action.

Kirkland Subdivision and Zoning Code amendments

The following amendments are being considered in order to implement the proposed Historic Residence Preservation regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Historic Preservation Lots. This section establishes the minimum lot sizes, eligibility, floor area ratio, and restriction requirements.
- **Zoning Code Chapter 75 Historic Landmark Overlay Zone** – Addition of Historic Residence regulations to this chapter address the process and criteria to designate and alter the historic residence.
- **Zoning Code Chapter 115.07 Accessory Dwelling Units** – Addition to this section addresses the prohibition of accessory dwelling units on all lots utilizing the Historic Preservation subdivision regulations in the Market and Norkirk Neighborhoods.

b. Small Lot Single-Family Regulations

Proposed small lot single-family regulations encourage housing diversity by creating or retaining some smaller homes so that there is more housing choice, and to counter the market trend toward large homes maximizing the building envelope and changing the character of the neighborhood. The proposed regulations allow smaller lots than would otherwise be permitted, if small homes are either created or retained on both lots or on the smaller of the newly created lots. The program is entirely voluntary.

In the Norkirk Neighborhood, this would occur in the RS 7.2 and RS 6.3 zones by allowing properties of at least 12,200 square feet in the RS 7.2 zone, and 11,300 square feet in the RS 6.3 zone, to be subdivided into two lots if a small house is built or retained on either both lots or on the smaller of the two newly created lots. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. In the RS 6.3 zone, one lot would remain at least 6,300 square feet and the other lot would be no smaller than 5,000 square feet. Up to 53 detached units would potentially result if those lots were subdivided, taking advantage of the proposed small lot single-family regulations to create or preserve small homes on small lots.

In the Market Neighborhood, this would occur in the RS 8.5 and RS 7.2 zones by allowing properties of at least 14,500 square feet in the RS 8.5 zone and 12,200 square feet in the RS 7.2 zone to be subdivided into two lots if a small house is built or retained either both lots or on the smaller of the two newly created lots. In the RS 8.5 zone, one

lot would remain at least 8,500 square feet and the other lot would be no smaller than 6,000 square feet. In the RS 7.2 zone, one lot would remain at least 7,200 square feet, and the smaller lot would be a minimum of 5,000 square feet. Up to 16 detached units would potentially result if those lots were subdivided, utilizing the proposed small lot single-family regulations to create or preserve small homes on small lots.

The mechanism to ensure compliance would be a restriction recorded on the face of the Plat. The size of the small home would be limited to a Floor Area Ratio (FAR) below what is allowed in the low density zones in the Market and Norkirk low density zones. The FAR contemplated is in the .3 to .4 range. The FAR limitation is reinforced with a proposed Zoning Code Special Regulation.

Kirkland Subdivision and Zoning Code amendments

The following amendments are being considered in order to implement the proposed Small Lot Single Family regulations.

- **Kirkland Municipal Code Chapter 22.28 Subdivision Design Requirements** – Addition of a new section addressing Small Lot Single-Family Lots. This section establishes the minimum lot sizes, eligibility, Floor Area Ratio, and restriction requirements.
- **Zoning Code Chapter 15 Single Family Residential (RS) Zones** – Addition to the Detached Dwelling Unit special regulations to recognize that small homes on small lots created through the new subdivision regulations requires a FAR of .3 to .4 (to be decided).
- **Zoning Code Chapter 115.07 Accessory Dwelling Units** – Addition to this Section addresses the prohibition of accessory dwelling units on small lots created utilizing the Small Lot Single-Family subdivision regulations in the Market and Norkirk Neighborhoods.

VI. Public Involvement

Opportunities to solicit public input on the regulations included presentations at the Market and Norkirk Neighborhood Association's regular meetings and study sessions before the Planning Commission.

Planning Commission meetings were open to the public and advertised in the Seattle Times, in a City Update article in the Kirkland Courier, via the City's cable channel and on public notice signboards in the area. In addition, the City sent out direct mailings to all property owners and neighborhood residents, prior to public hearing. Additionally, public notice sign boards were posted to advertise the study sessions and the hearing. Finally, all information was advertised in the City's Market/Norkirk website and the project list service alerted email subscribers when various public meetings were scheduled.

The Planning Commission will hold a public hearing on April 26th. Public notice of the amendments and the public hearing and subsequent public meeting on May 24th are being provided in accordance with State law. The City Council could take final action on the proposal on June 19, 2007. All dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed small lot single family and historic residence development regulations. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *2004 City of Kirkland Draft and Final Comprehensive Plan EIS*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachments:

1. Proposed KMC Chapter 22.28 Subdivision Design Requirements “Lots - Historic Preservation” amendment
2. Proposed KZC Chapter 75 “Historic Landmark Overlay Zone and Historic Residence Designation” amendment
3. Proposed KMC Chapter 22.28 Subdivision Design Requirements “Lots - Small Lot Single-Family” amendments
4. Proposed KZC Chapter 15 Single Family Residential Special Regulation amendment
5. Proposed KZC Chapter 115.07 Accessory Dwelling Unit amendment

